

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

ALEXANDRA LOZANO IMMIGRATION LAW,
PLLC,

Plaintiff,

v.

MENESES LAW, PLLC

Defendants.

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Civil Action No. 4:24-cv-2190

PLAINTIFF’S ANSWER TO MENESES LAW, PLLC’S COUNTERCLAIM

Alexandra Lozano Immigration Law, PLLC (the “Firm” or “ALIL”) files this Answer to Meneses Law, PLLC’s (“Meneses Law”) Counterclaim (the “Answer to Counterclaim”).

LIMITED GENERAL DENIAL

Pursuant to Rule 8(b) of the Federal Rules of Civil Procedure, ALIL denies all allegations contained in the Counterclaim that are not specifically admitted herein.

ANSWER TO MENESES LAW’S COUNTERCLAIM

1. The allegations in Paragraph 1 contain legal conclusions to which a response is not required. To the extent a response is required, ALIL denies the allegations in Paragraph 1.

PARTIES

2. ALIL admits the allegations in Paragraph 2.

3. ALIL admits the allegations in Paragraph 3.

JURISDICTION AND VENUE

4. ALIL admits the Court has personal jurisdiction over ALIL in this matter. ALIL denies any remaining allegations in Paragraph 4.

5. ALIL admits the Court has subject matter jurisdiction over this dispute. ALIL

denies any remaining allegations in Paragraph 5.

6. ALIL admits venue is proper in this District. ALIL denies any remaining allegations in Paragraph 6.

FACTS

7. ALIL lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 7, and therefore denies the same.

8. In response to Paragraph 8, ALIL admits that it is the owner of the mark “ARREGLAR SIN SALIR!” which is registered with the U.S. Patent and Trademark Office, and assigned Serial No. 97504788. Responding further, ALIL denies the remaining allegations in Paragraph 8.

9. In response to Paragraph 9, ALIL admits that ALIL has used the mark, “ARREGLAR SIN SALIR!” since before Meneses Law was formed. ALIL denies the remaining allegations in Paragraph 9.

CAUSES OF ACTION

Count One: Declaratory Judgment of Lack of Secondary Meaning

10. ALIL repeats and restates its responses to Paragraphs 1 through 9 of this Answer as if fully set forth herein.

11. ALIL denies the allegations in Paragraph 11.

12. ALIL denies the allegations in Paragraph 12.

13. ALIL denies the allegations in Paragraph 13.

14. ALIL denies the allegations in Paragraph 14.

Count Two: Declaratory Judgment of Genericness

15. ALIL repeats and restates its responses to Paragraphs 1 through 14 of this Answer as if fully set forth herein.

16. ALIL denies the allegations in Paragraph 16.

17. ALIL denies the allegations in Paragraph 17.

18. ALIL denies the allegations in Paragraph 18.

19. ALIL denies the allegations in Paragraph 19.

Count Three: Declaratory Judgment of Trademark Invalidity & Cancellation

20. ALIL repeats and restates its responses to Paragraphs 1 through 20 of this Answer as if fully set forth herein.

21. ALIL denies the allegations in Paragraph 21.

22. ALIL denies the allegations in Paragraph 22.

23. ALIL denies the allegations in Paragraph 23.

24. ALIL denies the allegations in Paragraph 24.

AFFIRMATIVE DEFENSES

1. Meneses Law has failed to state claims upon which relief can be granted.

2. Meneses Law's claims are redundant to the claims brought by ALIL in its Original Petition.

3. Meneses Law's claims are barred in whole or in part by the doctrine of unclean hands.

4. Meneses Law's claims are barred in whole or in part by the doctrine of waiver, laches and/or estoppel.

5. ALIL reserves the right to assert additional affirmative defenses that become known through further investigation and discovery.

PRAYER

ALIL respectfully requests that Meneses Law take nothing in this suit; that Meneses Law's

counterclaims be dismissed *with prejudice*; that all relief prayed for by Meneses Law be denied; and that the Court enter final judgment in favor of ALIL and against Meneses Law on all claims.

In addition, ALIL requests that this Court award ALIL its attorneys' fees, costs of court and litigation expenses incurred in connection with the defense of Meneses Law's counterclaims as well as any other or additional relief as the Court deems just and equitable.

Dated: September 9, 2024

Respectfully submitted,

/s/ Pamela B. Linberg
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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of *Plaintiff's Answer to Meneses Law, PLLC's Counterclaim* was served on September 9, 2024 to the following entities:

Via Email

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